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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

KENDALL, CHUCK O

ART UNIT

PAPER NUMBER

2122

DATE MAILED: 11/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/475,526

Applicant(s)

YOUNT ET AL.

Examiner

Chuck O Kendall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. This action is in response to the application filed 07/09/02

Claims 21-45 have been examined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 21,22,31,32,41 & 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Hollander USPN 6,347,388 B1.

Regarding claims 21, Hollander shows a method of generating a first test program to test the functionality of an integrated circuit (5:1-10, figure 1); determining whether IC is sufficiently tested (fig1, 30); determining whether a predetermined threshold has been reached (5:35-40, see check status).

Regarding claims 22, method of claim 21, further comprising: generating a second test program if the predetermined test program population threshold has been reached (5:1-10 see co verification); executing second test program (figure 2, 210).

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Regarding claim 31 see reasoning in claim 21.

Regarding claim 32 see reasoning in claim 22.

Regarding claim 41 see reasoning in claim 21.

Regarding claim 42 see reasoning in claim 22.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23,24,33 &34 rejected under 35 U.S.C. 103(a) as being unpatentable over Hollander USPN 6,347,388 B1 in view of Hayes USPN 5,799,266.

Regarding claims 23,33 Hollander discloses all the claimed limitation as applied in claim 22. Hollander doesn't explicitly disclose generating a first abstract syntax tree. However Hayes does disclose this limitation. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify and or combine Hollander and Hayes to implement the instant claimed invention because, generating tests using syntax trees allows programmer to test all possible combination thereby achieving the desired results.

Regarding claim 24 method of claim 23 wherein generating the first test program comprises; generating a second abstract syntax tree (Hayes,8:45-50 as

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understood by the examiner a test driver utilizes a syntax tree, therefore since art discloses a plurality of drivers examiner interprets a second abstract syntax tree to be inherent also see figure 3); a second set of instructions and for the second AST(figure 3, see tests attributes, functions and method definitions, 44,46,48) ; and translating the first AST into a first executable(figure 3, 66,68,70 also see 8:45-50);

Regarding claim 34 see reasoning in claim 24.

Claims 25-30,36-40 & 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollander USPN 6,347,388 B1 in view of Hayes USPN 5,799,266 and further in view of Miller et al USPN 6,175,948 B1 hereinafter Miller.

Regarding claims 25, & 35 method Hollander as modified discloses all the claim limitations as applied in claim 24. Hollander as modified doesn't explicitly disclose mutating a selected AST. However, Miller does disclose this feature fig 4, 408. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combining and or modify Hollander as modified with Miller to implement the instant claimed invention because, making an AST reusable makes generating tests more efficient.

Regarding claim 26 ,wherein mutating AST comprises removing a segment of the selected AST (figure 4,408 for reuse); and inserting a replacement into the selected AST (see 9: 45-50 for modifying model).

Regarding claim 27, see claim 24 for reasoning.

Regarding claim 28, method of claim 25 wherein mutating a AST comprises; selecting the first and second AST into mutated AST (3:30-35, see integration and merging).

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Regarding claim 29, see claim 27 for reasoning.

Regarding claim 30, see Hollander Figure 1, for coverage data.

Regarding claim 36, see claim 26 for reasoning.

Regarding claim 37, see claim 27 for reasoning.

Regarding claim 38, see claim 28 for reasoning.

Regarding claim 39, see claim 29 for reasoning.

Regarding claim 40, see claim 30 for reasoning.

Regarding claim 43, see claim 42 for reasoning.

Regarding claim 44, see claim 26 for reasoning

Regarding claim 45, see claim 28 for reasoning.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Correspondence Information

Any inquires concerning this communication or earlier communications from the examiner should be directed to Chuck O. Kendall who may be reached via telephone at (703) 308-6608. The examiner can normally be reached Monday through Friday between 8:00 A.M. and 5:00 P.M. est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Greg Morse* can be reached at (703) 308-4789.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

For facsimile (fax) send to 703-7467239 official and 703-7467240 draft

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